

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

THOMAS J. POFAHL,)
Petitioner,) 4:05cv3032
vs.) MEMORANDUM AND ORDER
ROBERT HOUSTON,)
Respondent.)

This matter is before the court on filing no. 17, the letter filed by the petitioner, Thomas J. Pofahl, who points out that he has not received the detailed Designation of Records ordered by the court in filing no. 15, the court's Memorandum and Order and Progression Order of February 22, 2006. The respondent notes that he filed a Designation of Records on April 21, 2005 (filing no. 7), in connection with a Motion for Summary Judgment which Judge Laurie Smith Camp has since denied. Thus, it appears that the respondent has already filed all records he considers relevant to this case.

In filing no. 7, the respondent designated the following records:

Exhibit 1: Docket Sheet of the Clerk of the Nebraska Supreme Court and Court of Appeals for filings and orders in Nebraska Court of Appeals case # A-02-02 (hereafter Petitioner's State Court Direct Appeal").

Exhibit 2: Notice of Appeal in the Petitioner's State Court Direct Appeal.

Exhibit 3: Notice from the Nebraska Court of Appeals sustaining the State's motion for summary affirmance in the Petitioner's State Court Direct Appeal.

Exhibit 4: Notice from the Nebraska Supreme Court denying the petitioner's (appellant's) petition for further review in the Petitioner's State Court Direct Appeal.

Exhibit 5: Notice from United States Supreme Court that the petitioner's petition for writ of certiorari was denied.

Exhibit 6: Mandate by the Nebraska Court of Appeals in the Petitioner's State Court Direct Appeal affirming the judgment by the district court.

Exhibit 7: Petitioner's (appellant's) brief in the Petitioner's State Court Direct Appeal.

Exhibit 8: State's (appellee's) Motion for Summary Affirmance and Memorandum Brief in the Petitioner's State Court Direct Appeal.

Exhibit 9: Petitioner's (appellant's) petition for further review and supporting brief to the Nebraska Supreme Court for the Petitioner's State Court Direct Appeal.

Exhibit 10: Clerk's Transcript containing relevant state district court filings and orders for the Petitioner's State Court Direct Appeal, including an index of transcript documents.

Exhibit 11: Docket Sheet of the Nebraska Court of Appeals for filings and orders in Nebraska Court of Appeals case # A-04-904 (hereafter "Petitioner's State Court Habeas Corpus Appeal").

Exhibit 12: Notice of Appeal in the Petitioner's State Court Habeas Corpus Appeal.

Exhibit 13: Notice from the Nebraska Court of Appeals sustaining the State's motion for summary affirmance in the Petitioner's State Court Habeas Corpus Appeal.

Exhibit 14: Notice from the Nebraska Supreme Court overruling the petitioner's (appellant's) petition for further review in the Petitioner's State Court Habeas Corpus Appeal.

Exhibit 15: Mandate by the Nebraska Court of Appeals in the Petitioner's State Court Habeas Corpus Appeal affirming the judgment of the district court.

Exhibit 16: Petitioner's (appellant's) amended brief for the Petitioner's State Court Habeas Corpus Appeal.

Exhibit 17: State's (appellee's) Motion for Summary Affirmance and Memorandum Brief in for the Petitioner's State Court Habeas Corpus Appeal.

Exhibit 18: Petitioner's (appellant's) objections to the State's motion for summary affirmance in the Petitioner's State Court Habeas Corpus Appeal.

Exhibit 19: Petitioner's (appellant's) petition for further review and supporting brief to the Nebraska Supreme Court in the Petitioner's State Court Habeas Corpus Appeal.

Exhibit 20: Clerk's Transcript containing relevant state district court filings and orders for the Petitioner's State Court Habeas Corpus Appeal, including an index of transcript documents.

Exhibit 21: Bill of Exceptions of transcribed proceedings in the Lancaster County District Court for the respondent's state court conviction, including the hearing when the petitioner's guilty plea was accepted and the petitioner's sentencing hearing.

Exhibit 22: Plea Bargain Agreement between the State and the petitioner.

Because the petitioner wishes to expedite the resolution of this case, the court will place the burden on him to specify which, if any, of the above-listed documents he does not have and genuinely needs in order to file his initial brief. Therefore, as soon as possible but by no later than April 21, 2006, the petitioner shall file a pleading specifying which documents he requires and how much additional time he anticipates he will need after receipt of the documents to submit his initial brief. The petitioner is welcome to additional time, but he was the moving party in a prior motion for expedited consideration of this case.

SO ORDERED.

DATED this 27th day of March, 2006.

BY THE COURT:

s/ F. A. GOSSETT
United States Magistrate Judge